REMARKS

In the official action mailed February 25, 2005, the Examiner required an election between the alleged patentably distinct species 1, 2 and 3. According to the previous official action, species 1 apparently included the subject matter of Fig. 1 plus presumably Figs. 2-4, species 2 included the subject matter of Fig. 5 and species 3 included the subject matter of Fig. 6. The Applicant desired to prosecute the subject matter of Fig 4 and it was assumed that the subject matter of Fig. 4 was included in species 1, the Applicant, in the response filed March 16, 2005, provisionally elected species 1 as shown in the drawings of Fig. 1 and Figs. 2-4 of this application. In the official action of May 31, 2005, the Examiner informed the Applicant of the mistake of the previous action and that the Applicant's election of Fig. 1 with Figs. 2-4 had been changed to just Figs. 2 and 3. Although the Applicant disagrees with the Examiner's action, in an effort to comply with the official action, the Applicant submits the following remarks and above claim amendments.

The specification is objected to for the reasons noted in the official action. The above requested specification amendments are believed to overcome all of the raised informalities concerning this case. If any further amendment to the specification is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

Initially, the Applicant thanks the Examiner for indicating that claims 23, 24, 26, 27, 32, 33 and 36 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In accordance with this indication, claims 23 and 32 are appropriately revised, to be independent claims, and those two amended independent claims are now believed to be allowable. As claim 33 directly depends from new independent claim 32, this dependent claim is believed to be allowable as well.

Claims 21, 24 and 37-40 are first rejected, under 35 U.S.C. § 102(b), as being anticipated by Taniguchi et al. `410. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the above amendments and the following remarks.

Initially, the Applicant respectfully points out that the spider plate 27, according to the present invention, supports at least one planet shaft of a planetary gearset 26 and the spider plate 27 is non-torsionally connected with the disc carrier 3 axially locked via a locking element 31. As a result of such locking of the spider plate 27 on the disc carrier 3, the spider plate 27 forms a fixed axial end wall for a pressure balance space 15 of the dynamic pressure balance of the servo mechanism 10. None of the applied prior art, as discussed below, is believed to in any way teach, suggest or disclose such an arrangement.

Taniguchi et al. `410 relates to an automatic transmission for a vehicle. The transmission includes a cancel plate 55 and a cylinder 51 which is located adjacent a servo 5. The cancel plate is axially fixed by some type of key locking system, as shown in Fig 7. The cylinder 51 is biased against the servo 5 by a compression return spring 56 which located between the cylinder 51 and the cancel plate 55. The return spring 56 is radially located centrally between the inner and outer peripheries of the cancel plate 55 and the cylinder 51 and thus biases the cylinder 51 away from the cancel plate 55. The cancel plate 55 does not support at least one planet shaft of a planetary gearset 26 and a remainder of the transmission arrangement of Taniguchi et al. `410 is distinctly different than that of the currently claimed cup spring of the present invention.

According to the presently claimed invention, the spider plate supports at least one planet shaft of a planetary gearset 26 and the cup spring is located between the servo and the spider plate. The radially inner periphery of the cup spring engages with the servo while the radially outer periphery of the cup spring indirectly engages in Figs. 1 and 3, or directly engages in Figs. 4 and 6, with the spider plate. It is respectfully submitted that the presently claimed arrangement of the spider plate and cup spring, the servo and the spider plate is not in any way disclosed, taught or suggested by Taniguchi et al. `410. As such, the raised anticipatory rejection in view of Taniguchi et al. `410 should be withdrawn at this time.

Next, claims 21,24, 37-40 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Christenson et al. `642. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the above amendments and the following remarks.

Christenson et al. `642 relates to a transmission with a clutch 157, a cylinder 162, a spring 164 and an oil line 170. The cylinder 162 is biased against the spring 164, by oil supplied by the oil line 170, to engage the clutch 157. The clutch 157 however definitely has no dynamic pressure compensation and no pressure compensating chamber as does the currently claimed application. Further, the cylinder 162, e.g., the spider plate, does not support at least one planet shaft of a planetary gearset.

Lastly, claims 21, 24 and 37-40 are rejected, under 35 U.S.C. § 102(b), as being anticipated by JP `119. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the above amendments and the following remarks.

JP `119 relates to a lubricating device for a planetary gear mechanism. The device has a clutch C1, a servo 10 and a carrier 17. The servo 10 is biased by a spring 12 which is axially fixed by a plate 13. This reference focuses on a device for lubricating the planetary gear mechanism using lubricating holes in a lubrication guide plate. Accordingly, there are numerous differences between JP `119 and the presently claimed invention. The lubricating device, for example, does not have a pressure balance space between the servo and a planetary gearset. Further, plate 13, e.g., the spider plate, does not support at least one planet shaft of a planetary gearset.

The presently claimed invention, on the other hand, has a pressure balance space 15 located between the servo 10 and the spider plate 27 which supports at least one planet shaft of a planetary gearset and acts on the piston 11 of the servo mechanism 10.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claim 21 of this application now recite the features of

> [a] clutch system for a transmission with one clutch (1) comprising one disc carrier (3); and one servo mechanism (10) situated within said disc carrier (3) and having dynamic pressure balance for actuating said clutch (1). . .a spider plate (27) of which abuts in an axial direction on a pressure balance space (15) of said dynamic pressure balance of said servo mechanism (10). . .said spider plate (27) is non-torsionally connected with said disc carrier (3) and via a locking element (31) is axially fixed on said disc carrier (3) in a manner such that said servo mechanism (10) is prestressed against said disc carrier (3) by a cup spring, the cup spring having an radially inner circumference communicating with the servo mechanism (10) and an radially outer circumference for communication with said spider plate (27).

Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Taniguchi et al. '410, Christenson et al. '642 and/or JP '119 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejections should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

Michael J. Bujold

Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis & Bujold, P.L.L.C.
Fourth Floor
500 North Commercial Street
Manchester NH 03101-1151
Telephone 603-624-9220
Facsimile 603-624-9229
E-mail: patent@davisandbujold.com